IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

Bail Appl..No. 6191 of 2007()

AGAINST THE ORDER IN CRMP.6623/2007 IN
CRMP.6615/2007 of C.J.M.,THRISSUR
CRIME NO.476/07 OF TRICHUR TOWN EAST POLICE STATION

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: PETITIONER/ACCUSED NO.2

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1. JOHNSON @ HAVALA JOHNSON, AGED 44 YEARS,
S/O. KIRIYAN, PERUMBANENICAL HOUSE,
ARATTUTHARA DESOM, MANANTHAVADY, WAYANAD.

2. BABY @ MOHANDAS, AGED 50 YEARS,
S/O. BHASKARAN, POOKKOTT ALANCHERRY HOUSE,
AMBUTTI, MANANTHAVADY VILLAGE, WAYANAD.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS: STATE

DEPUTY SUPERINTENDENT OF POLICE,
TRICHUR, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY DIRECTOR GENERAL OF PROSECUTION SRI.P.G.THAMBI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2007, THE COURT ON 15/10/2007 PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6191 of 2007

Dated this the 15th day of October, 2007

ORDER

Application for regular bail. Petitioners are accused 6 and 7. They face allegations for offences punishable, inter alia, under Sections 120 B, 420 and 468 I.P.C. The crux of the allegation is that in the name of a non existent person, huge amount of loan running to crores was availed from the State Co-operative Bank - with branch at Trichur. False documents were created to make it appear that the loanee has rights over the land. The offence has been detected. Investigation is now being conducted by the Dy.S.P, Trichur to whom the investigation has been entrusted. I have considered the facts in detail when the application for anticipatory bail of the 4th accused was considered in B.A.No.5493 of 2007. The petitioners are alleged to be conspirators along with the 4th accused. They were allegedly instrumental in the ploy to create false documents. The Investigating Officer has unearthed materials to show that the petitioners along with the 4th accused and others were camping at Wayanad to facilitate creation of false and forged documents. The 1st accused was granted bail. But the bail was cancelled and he is now absconding. Accused Nos.4, 5 & 8 had not been arrested so far. Accused 3 is reported to

be a non existent person. The petitioners have been arrested. They continue in custody from 17.09.07.

2. The learned Director General of Prosecution opposes the application on the ground that the investigation is not complete. According to the learned Director General of Prosecution, the petitioners have a dominant role to play in the conspiracy and bringing into existence the forged documents. Release of the petitioners on bail at this early stage would impair and hamper the smooth course of investigation. It is, in these circumstances, submitted that the petitioners cannot be released on bail at this early stage. The investigator may be granted some further time to make substantive progress in the investigation, submits the learned Director General of Prosecution.

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Director General of Prosecution. I am satisfied that in a serious and grave crime like the instant one, the police do deserve to be granted reasonable further time to complete the investigation. At this early stage of investigation, I am satisfied that the petitioners do not deserve to be enlarged on bail.

4. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioners shall be at liberty to move this Court for bail again at a later stage of the

investigation - not, at any rate, prior to 29.10.2007. The investigator shall in the meantime make every endeavour to make substantive progress in the investigation.

(R.BASANT, JUDGE)

rtr/-